

REMARKS

By this Amendment, Applicant has amended claims 17, 24, 26, 27, 34, and 36, and canceled claims 18 and 35. Claims 17 and 34 have been amended to include the features of previously dependent claims 18 and 35, respectively. Claims 24, 26, and 27 have been amended to correct minor informalities. The amendments to claim 36 are supported in the originally filed application, for example, in the as-filed specification at page 12, lines 4-11. No new matter has been added.

In the Office Action, claims 17-25, 27-31, and 34-36 were rejected under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2002/0030064 to Lacout ("Lacout") in view of U.S. Patent No. 5,702,035 to Tsao ("Tsao"); claim 26 was rejected under 35 U.S.C. § 103(a) over Lacout and Tsao in view of U.S. Patent No. 7,416,355 to Tsaur ("Tsaur"); and claims 32 and 33 were rejected under 35 U.S.C. § 103(a) over Lacout and Tsao in view of U.S. Patent No. 6,432,147 to Dias et al. ("Dias").

None of the cited references discloses or suggests that "a liquid or solid plug is arranged inside [a] tube to isolate [an] outlet aperture from [an] internal space of the tube, and wherein the plug is arranged such that it is discharged together with the contents of the tube via the outlet aperture when the internal space of the tube is vented or in response to excess pressure inside the tube," as recited in independent claim 17. Claims 34 and 36 contain similar recitations.

The Office Action refers to a liquid silicone stopper 78 of Tsao as purportedly teaching a liquid or solid plug, but the Office Action acknowledges that the cited references do not disclose or suggest that a plug is arranged such that it is discharged together with the contents of a tube via an outlet aperture when an internal space of the tube is vented or in response to excess pressure inside the tube. The Office Action

asserts, however, that “[i]t would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the seal of . . . Lacout[, as proposed to be modified by Tsao,] to be able to be fully expelled from the device during use, as a matter of design choice.” See Office Action at 3.

Applicant respectfully disagrees. Tsao discloses using a liquid silicone stopper that forms an opening in a center of a tube so that a liquid in the tube can flow therethrough. See col. 1, lines 42-47 of Tsao. In stark contrast to the claimed feature, Tsao further discloses that it is possible for the liquid in the tube to flow through an opening in the liquid silicone stopper due to the viscosity to the silicone causing it to adhere to the walls of the tube. See col. 1, lines 47-48 of Tsao. Specifically, Tsao requires that the liquid silicone stopper adhere to the tube as the liquid in the tube is discharged from the tube. Since the liquid silicone stopper of the Tsao device must be configured to adhere to the walls of the tube to allow the liquid in the tube to flow out of the tube through a central opening created by this adhesion, one of ordinary skill in the art would not be motivated to modify the Office Action’s proposed combination of the Lacout and Tsao devices to discharge the liquid silicone stopper together with the liquid in the tube. In fact, Tsao teaches away from discharging the liquid silicone stopper with the contents of the tube. Finally, there is no suggestion or motivation in Lacout to discharge a liquid or solid plug together with the contents of a tube via an outlet aperture when an internal space of the tube is vented or in response to excess pressure inside the tube.

For these reasons, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection of claims 17, 34, and 36. Since claims 19-33 depend from

independent claim 17, Applicant also respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejections of these claims for at least these same reasons.

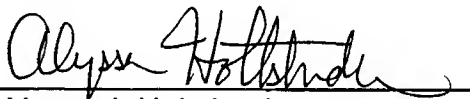
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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